

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

THOMAS CRAIG LEVERING, )  
Petitioner, )  
vs. ) Case No. CIV-16-431-M  
JANET DOWLING, )  
Respondent. )

**ORDER**

On August 29, 2017, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended: (1) petitioner's motion for stay be denied; (2) petitioner's second petition be construed as a motion to amend and said motion to amend be denied; and (3) respondent's motion to dismiss be granted. The parties were advised of their right to object to the Report and Recommendation by September 19, 2017. Upon receiving an extension of time, petitioner filed his objection on October 16, 2017.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation [docket no. 23] issued by the Magistrate Judge on August 29, 2017;
- (2) DENIES petitioner's Request for Stay and Abeyance of Proceedings on Petition for Writ of Habeas Corpus [docket no. 9];
- (3) CONSTRUES petitioner's amended habeas petition [docket no. 20] as a motion to amend and DENIES the motion to amend;
- (4) GRANTS respondent's Motion to Dismiss Petition for Habeas Corpus for Failure to Timely File Petition [docket no. 14]; and
- (5) DISMISSES petitioner's Petition for Writ of Habeas Corpus as untimely.

**IT IS SO ORDERED this 24th day of October, 2017.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE